

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SNM-02 DEAE-00 AID-05 L-03 NSC-05 /026 W
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P 152030Z FEB 77
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC PRIORITY 9901

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E.O. 11652: N/A
TAGS: SNAR, CO
SUBJECT: HELICOL AIR SERVICE CONTRACT

REF: (A) STATE 024012, (B) BOGOTA 1172, (C) STATE 027539

1. AMBASSADOR MET WITH MINISTER OF JUSTICE ON FEB 8TH IN FURTHER EFFORT TO BREAK STALEMATE REGARDING AIR SERVICES CONTRACT. AMBASSADOR POINTED OUT THAT IN THE PROJECT AGREEMENT SIGNED SEPT 28, 1976 THE GOC AGREED TO INDEMNIFY AND SAVE HARMLESS THE USG, ITS PERSONNEL, AGENTS, THE CONTRACTOR AND SUBCONTRACTOR FROM AND AGAINST ALL CLAIMS, DEMANDS, SUITS AND LIABILITY. THE AMBASSADOR EMPHASIZED THAT WASHINGTON DOES NOT SEE ANY FEASIBLE ALTERNATIVE TO THAT ARRANGEMENT AND HAD INFORMED US THAT THE HELICOPTERS NATURALLY CANNOT BE TRANSFERRED TO THE GOC UNTIL THIS MATTER IS RESOLVED.

2. THE MINISTER, HOWEVER, REITERATED THE FAMILIAR GOC POSITION, INSISTING THAT GOC REGULATIONS DO NOT PERMIT IT TO ACCEPT LIABILITY FOR ACTIONS OF A GOC CONTRACTOR OR A THIRD PARTY (USG) CONTRACTOR. THE MINISTER SUGGESTED, THOUGH, THAT ONE WAY OUT OF THE PRESENT STALEMATE MIGHT BE TO HAVE THE GOC CONTRACT WITH HELICOL DIRECTLY. HE ADDED THAT HELICOL, IN ORDER TO BE HELD HARMLESS, WOULD NEED THIRD PARTY
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LIABILITY INSURANCE. HE SAID THAT HULL INSURANCE WAS NOT AN ISSUE SINCE THE GOC COULD ASSUME THAT LIABILITY. THE MINISTER EXPRESSED THE VIEW THAT THE THIRD PARTY LIABILITY INSURANCE WOULD NOT BE OVERLY EXPENSIVE AND HE SAID HIS STAFF WAS ALREADY SEEKING ESTIMATES OF ITS COST. HE SUGGESTED A FURTHER MEETING WHEN THESE ESTIMATES WERE AVAILABLE. THE AMBASSADOR POINTED OUT THAT

HE HAD RECEIVED INSTRUCTIONS STATING THAT THE USG DOES NOT CONCUR IN A SWITCH OF THE HELICOL CONTRACT TO THE GOC AND THAT USG FINANCING OF SUCH INSURANCE EITHER DIRECTLY OR REIMBURSING HELICOL WAS UNACCEPTABLE BECAUSE IT WOULD NULLIFY THE IDEMNIFICATION PROVISIONS CONTAINED IN THE PROJECT AGREEMENT.

3. THE MEETING THUS ENDED WITHOUT RESOLUTION OF THE LIABILITY ISSUE THOUGH WE DID AGREE TO A FURTHER MEETING ON THE SUBJECT. AT THAT TIME, THE MINISTER WILL PROBABLY HAVE THE INSURANCE COST ESTIMATES AND CAN BE EXPECTED TO PRESS TO HAVE THESE COSTS FINANCED UNDER THE HELICOL CONTRACT.

4. AFTER THE MEETING WITH THE MINISTER, WE WERE CONTACTED BY CAPTAIN CAMPO, WHO IS THE HEAD OF THE F-2 NARCOTICS SQUAD AND THE GOC OFFICIAL WITH WHOM WE HAVE COLLABORATED MOST CLOSELY AND EFFECTIVELY ON THE TACTICAL LEVEL. CAMPO ASKED FOR A PAPER FROM US SETTING FORTH THE DETAILS OF THE PRESENT CONTROVERSY AND SAID HE PLANS TO MAKE IT AVAILABLE TO GENERAL VALDERRAMA, THE ACTING CHIEF OF THE NATIONAL POLICE. HIS THOUGHT IS THAT VALDERRAMA MAY FIND IT POSSIBLE TO INTERVENE ON THIS MATTER AT A VERY HIGH LEVEL AND HELP PROMOTE A SOLUTION.

5. WE WILL KEEP THE DEPT ADVISED ON FURTHER DEVELOPMENTS.

SANCHEZ

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Message Attributes

Automatic Decaptioning: X
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Copy: SINGLE
Sent Date: 15-Feb-1977 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Date: 22 May 2009
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Disposition History: n/a
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